IN THE CLAIMS

This listing of claims replaces all prior listings:

1. (Currently Amended) A positive electrode active material comprising coated particles, each coated particle having a layered structure with an inner particle having an outer surface covered at least in part by a coating layer, wherein:

said inner particle is a first compound oxide of lithium and nickel;

said coating layer is adhered to said outer surface and comprises a homogenous second compound oxide having a spinel structure in the cubic system of lithium and titanium selected from the group consisting of $Li_4Ti_5O_{12}$, Li_2TiO_3, $Li_2Ti_3O_7$ and $Li_4Ti_{4.90}Mn_{0.10}O_{12}$; and

said coating layer effectively suppresses decomposition of electrolyte in contact therewith and maintains the conductivity of lithium ions in the positive electrode active material.

2. (Original) The positive electrode active material according to claim 1, wherein the ratio by weight of the first compound oxide to the second compound oxide is between 96:4 and 65:35.

3. (Cancelled)

4. (Original) The positive electrode active material according to claim 1, wherein the positive electrode active material has a mean particle diameter of 5 to 20 μm.

5. (Currently Amended) A non-aqueous electrolyte secondary battery comprising a positive electrode active material and a negative electrode active material, the positive active material comprising coated particles, each coated particle having a layered structure with an inner particle having an outer surface covered at least in part by a coating layer, wherein:

said inner particle is a first compound oxide of lithium and nickel;

said coating layer is adhered to said outer surface and comprises a second compound oxide of lithium and titanium having a spinel structure in the cubic system selected from the group consisting of $Li_4Ti_5O_{12}$, Li_2TiO_3, $Li_2Ti_3O_7$ and $Li_4Ti_{4.90}Mn_{0.10}O_{12}$; and

said coating layer effectively suppresses decomposition of electrolyte in contact with the active material and maintains conductivity of lithium ions in the active material.

6. (Previously Presented) A coated particle according to claim 1, wherein said coating layer and outer surface are fused by mechanofusion.

7. (Previously Presented) The layered particle according to claim 6, wherein said inner particle compound and said coating layer compound are mixed in a 90:10 weight ratio.